

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION <u>Aleisha Jennings (049302015)</u>	CASE NO.: 21-14419-CMG CHAPTER 13 HEARING DATE: November 16, 2022 @ 9:00AM JUDGE: Christine M. Gravelle
In Re: Wanda Potter Debtor.	

**RESPONSE TO DEBTOR'S MOTION TO REINSTATE STAY AS TO CREDITOR, U.S.
BANK TRUST, NA**

COMES NOW, U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION ("Secured Creditor"), by and through undersigned counsel, hereby files its Response to Debtor's Motion To Reinstate Stay as to Creditor, U.S. Bank Trust, NA and, in support thereof, states as follows:

1. Secured Creditor holds a mortgage on the property located at 306 Seneca Trail, Browns Mills, NJ 08015 ("Property").
2. On May 27, 2021, Debtor filed a Voluntary Chapter 13 Bankruptcy Petition.
3. On June 3, 2022, Secured Creditor filed a Motion for Relief from Stay at Docket Entry #29 as Debtor was delinquent on post-petition payments and was due for the September 2021 through May 2022 payments for a total due of \$10,900.44.
4. Debtor did not file opposition to Secured Creditor's Motion for Relief from Stay and stay relief was consequently granted on July 7, 2022 at Docket Entry #31.

5. On October 20, 2022, Debtor filed a Motion to Reinstate Stay as to Creditor, U.S. Bank Trust, NA at Docket Entry #34 providing for the post-petition default to be added to the Plan.
6. As of November 14, 2022, Debtor currently owes Secured Creditor post-petition arrears in the sum of \$14,264.66, encompassing payments due from December 1 2021 through November 1, 2022.
7. According to Debtor's filed Schedules, Debtor does not have sufficient disposable income to roll the significant default into the plan. Debtor's statement that they would work extra hours to support increased plan payments is arbitrary and is not guaranteed income. According to the Fannie Mae guidelines, since overtime is not necessarily a guarantee, and it is not part of salary or hourly wage, overtime pay cannot be used or calculated as income unless it can be evidenced as consistent on a 12 month basis.
8. As such, the stay as to Secured Creditor should therefore not be reinstated as to do so would cause a great injustice to Secured Creditor and would serve to prevent Secured Creditor from excising it legal and equitable remedies against the subject property.
9. Secured Creditor reserves the right to amend and or supplement this response prior to the hearing.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying Debtor's Motion to Reinstate the Automatic Stay as to Secured Creditor and all further relief this Court deems just and proper.

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Aleisha C. Jennings
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CERTIFICATION OF SERVICE AND PROOF OF MAILING

I, Aleisha C Jennings, Esq.:

■ represent the movant in the above-captioned matter.

On November 15, 2022 I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: Response to Debtor's Motion To Reinstate Stay as to Creditor, U.S. Bank Trust, NA

I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

DATED: November 15, 2022

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Telephone Number 973-575-0707
By: /s/ Aleisha C Jennings
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* May account for service by fax or other means as authorized by the court through the issuance

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Travis J. Richards Weishoff & Richards, LLC 141 High Street Mount Holly, NJ 08060	Debtor(s) Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Wanda Potter 306 Seneca Trl Browns Mills, NJ 08015-6320	Debtor(s)	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.